

REMARKS

The last office action, which has been made final, and the references cited by the Examiner, as well as the comments of the Examiner, have been carefully considered. Claims 10 and 19, which were originally in dependent form, have been amended and placed in independent form to incorporate all of the limitations of Claims 1 and 11, respectively, from which they had depended. It is respectfully urged that the amendments to Claims 10 and 19 incorporate no new matter and require no further search on the merits, and are made to place the application in better form for appeal or allowance.

Claims 1-9 and 11-18 have been again rejected under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent No. 5,390,297 (Barber et al.) and U.S. Patent No. 5,790,664 (Coley et al.). The Examiner's further comments with respect to the rejection of these claims are acknowledged and appreciated. It appears that the Examiner is essentially maintaining his rejection of these claims in view of these references on the same grounds and for the same reasons that were stated in the Office Action mailed March 15, 2004.

Applicants' respectfully disagree with the rejection of Claims 1-9 and 11-18 for the same reasons submitted in its last Amendment and Reply mailed June 15, 2004. It is believed that Claims 1-9 and 11-18 are in proper form for appeal, if necessary, should applicants decide to proceed in such a manner. Alternatively, applicants may elect to cancel Claims 1-9 and 11-18, depending on the Examiner's further consideration of amended Claims 10 and 19, now placed in independent form.

With respect to Claims 10 and 19, the Examiner's withdrawal of his rejection of these claims in view of U.S. Patent No. 5,117,222 (McCurdy), as being non-analogous art, is acknowledged and appreciated. Claims 10 and 19 have now been rejected under 35 U.S.C. 103(a) as being unpatentable over the Barber et al. patent and the Coley et al. patent, and further in view of newly cited U.S. Patent No. 5,970,143 (Schneier et al). In this regard, the Examiner acknowledges that neither the Barber et al. patent nor the Coley et al. patent explicitly teaches a system and method wherein the requesting client computer is further programmed for detecting attempts to tamper with its internal clock and invalidating the

commuter authorization if tampering is detected. Nevertheless, the Examiner cites the Schneier et al. patent for teaching a communication system comprising a tamper alarm system for indicating tampering with the internal clock of the system. The Examiner cites passages at column 12, line 44 through column 13, line 17, and again at column 20, line 66 through column 21, line 23 of the Schneier et al. patent for showing this.

Each of Claims 10 and 19 has now been placed in independent form to incorporate the limitations of Claims 1 and 11, respectively, from which they had depended. The purpose of these amendments to Claims 10 and 19 is to place the claims in better form for appeal or allowance. No new matter has been added to these claims, and it is respectively urged that no further search on the merits is required by the amendments made to Claims 10 and 19.

The Examiner's reconsideration of amended Claims 10 and 19 is respectively requested. The Schneier et al. patent has been carefully reviewed, and it is respectfully urged that this new reference does not teach or suggest the features set forth in Claims 10 and 19 of the requesting client computer being further programmed for detecting attempts to tamper with its internal clock and invalidating the commuter authorization if tampering is detected.

With respect to column 12, line 45 through column 13, line 17 of the Schneier et al. patent, which was referred to in the office action, it is respectfully submitted that there is nothing in that passage about clock tampering. This passage describes only a tamper resistant/tamper evident housing (i.e. enclosure). This relates to a physical tamper detection, and not a computer programmed tamper detection feature, as specifically defined by amended Claims 10 and 19. The passage in the Schneier et al. patent referred to above also states that if physical tampering is detected, the memory content would be destroyed. The Schneier et al. patent does not state that the commuter authorization would be invalidated if tampering is detected, as specifically called for in amended Claims 10 and 19. Thus, it is respectfully urged that there is a patentable difference between Schneier et al.'s physical tamper detection and applicants' computer programmed tamper detection, as specifically set forth in amended Claims 10 and 19. There is also a patentable difference between Schneier et al.'s disclosure

of destroying memory if tampering is detected, and applicants' invalidating the commuter authorization if tampering is detected, as specifically set forth in amended Claims 10 and 19.

The Examiner also respectfully requested to consider column 14, lines 4-9 of the Schneier et al. patent. There, it is stated that "the clock 36 may be housed within a tamper-resistant and/or tamper evident seal 38." Again, these refer to physical tamper resistant/evident measures, and not by having a requesting client computer programmed for detecting tamper attempts. Even more specifically, the claimed invention advantageously may be used with regular (client and server) computers, for example, personal computers which do not have any tamper evident and/or tamper resistant housing, which would be required under the Schneier et al. patent.

In the other cited passage of the Schneier et al. patent, at column 20, line 66 to column 21, line 23, again, this passage discloses the use of a game cartridge, not a normal (e.g., client, server) personal computer in which the claimed invention operates. This, again, relates to physical detection of tampering, not where the client computer is programmed for detecting attempts to tamper with the internal clock, as specifically defined by amended Claims 10 and 19. The tamper switch 29 of the Schneier et al. patent is, again, a physical switch which does not detect clock manipulation by software means, such as by changing the date/time in the BIOS Setup screen via the DOS command "date" or "time" or via the "clock" applet in Windows TM, but rather detecting breaking into the housing 19 of the game cartridge. This is a physical tamper detection, not a software implemented tamper detection, as called for specifically in Claims 10 and 19. Also, as is evident from column 21, lines 20-22 of the Schneier et al. patent, clock tampering causes lose of memory content, where the physical tamper switch 29 interrupts power and thereby erases the volatile memory 23b (column 21, lines 5-11 of the Schneier et al. patent). There is no disclosure of "invalidating the commuter authorization if tampering is detected" as specially defined by amended Claims 10 and 19 of the subject application.

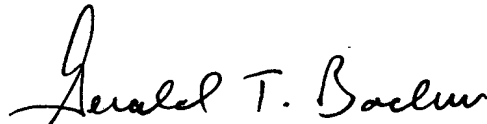
Accordingly, it is respectfully urged that the Schneier et al. patent, in combination with the Barber et al. and Coley et al. patent, does not teach or suggest the specific limitations

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set forth in amended Claims 10 and 19, that is, where the client computer is programmed for detecting attempts to tamper with its internal clock and where it invalidates the commuter authorization if tampering is detected. Accordingly, it is respectfully urged that Claims 10 and 19, as now amended and placed in independent form, are allowable.

In view of the foregoing amendments and remarks, entry and favorable consideration of the amendments to Claims 10 and 19, reconsideration of Claims 1-9 and 11-18 and allowance of the application with Claims 1-19 are respectfully solicited. If the Examiner has any questions or comments, it is respectfully requested that he contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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